

## CHAPTER 6 ADVERTISING

Rescinded IAB 5/15/91, effective 6/19/91

## CHAPTER 7 REPRESENTATIVES OF DISTILLERS, RECTIFIERS, MANUFACTURERS, BREWERS AND VINTNERS

[Ch 7, IAC 7/1/75 renumbered Ch 8, IAC 3/7/79]

[Prior to 10/8/86, Beer and Liquor Control Department[150]]

### **185—7.1(123) Alcoholic liquor sales to the division—registration of agents.**

**7.1(1) *Forms for registration by suppliers.*** All persons, firms or corporations selling or intending to sell or offering for sale any alcoholic beverages to the division shall register with the division upon forms prescribed by the division each salesperson, agent, consultant, broker and representative through which such person, firm or corporation transacts or conducts its sales or makes its offers, and each salesperson, agent, consultant, broker or representative shall obtain from the division a registration card carrying that person's name, address and registration number.

**7.1(2) *Registration fees.*** Fees for the registration of each applicant selling alcoholic liquor shall be \$50 annually and shall expire on the anniversary date one year later and shall be renewed upon application unless suspended or revoked for cause. One \$50 fee annually shall cover all registrations of individuals for each supplier. As employees are added or replaced, it shall be the responsibility of the supplier to register or have deleted the names of such employees with the division. Such employees may represent more than one supplier if properly registered.

This rule is intended to implement Iowa Code section 123.135.

### **185—7.2(123) Salespersons—prohibited practices—penalties.**

**7.2(1) *Solicitation of employees.*** No supplier of alcoholic beverages, or salesperson, agent or representative thereof, shall solicit either in person, by mail or otherwise, any employee of the division except the administrator or designee, for the purpose or with the intent of furthering the sale of a particular brand or brands of merchandise as against another brand or brands of merchandise. No supplier or representative thereof shall give away any alcoholic beverage of any kind or description or anything of value to any person in the employ of the division. This provision shall not prevent any contribution to any college, university or any research project for use in combating and studying alcoholism.

**7.2(2) *Visiting of state stores.*** Rescinded IAB 5/15/91, effective 6/19/91.

**7.2(3) *Gifts of alcoholic liquor prohibited.*** No salesperson, agent or representative of any supplier shall give or offer to any employee of the division any entertainment, gratuity or any other consideration for the purpose of inducing or promoting sale of merchandise.

**7.2(4) *Advertising material.*** Rescinded IAB 5/15/91, effective 6/19/91.

**7.2(5) *Solicitation of orders prohibited.*** Rescinded IAB 5/15/91, effective 6/19/91.

**7.2(6) *Sale or brand information.*** Rescinded IAB 5/15/91, effective 6/19/91.

This rule is intended to implement Iowa Code subsection 123.21(2).

### **185—7.3(123) Purchases.**

**7.3(1) *Procedure for presentation of new alcoholic liquor items for listing.***

*a.* The following information is furnished for the convenience and guidance of suppliers of alcoholic liquors wishing to submit their products to the division for consideration and possible listing.

*b.* Rescinded IAB 5/15/91, effective 6/19/91.

*c.* The administrator will determine the frequency of new listings. This will also include any change in price, alcoholic content, name or formula. The deadline for submission of merchandise for possible listings shall be as established by the administrator.

*d.* All new listings shall be submitted on the proper form "Liquor Vendors Price Quotation," furnished by the division, and shall include freight charges f.o.b. our warehouse at 1918 S.E. Hulsizer, Ankeny, Iowa 50021.

*e.* All new listings shall be submitted to the administrator or designee. The administrator reserves the right to establish a time limit on submissions made. This rule is established as a means of shortening interviews.

*f.* No supplier shall give away any alcoholic liquor samples of any kind or description at any time in connection with business except alcoholic liquor for testing or sampling purposes which must be delivered to the division's product manager.

(1) The division may, if necessary, when a brand of liquor has been accepted for testing, forward samples to the state chemist for analysis. Such brand shall be subject to final approval by the division after receiving the chemist's report.

(2) When a distiller wishes to change the formula or price of a brand already listed with the division, they will prepare and submit new price quotations. These will be considered effective upon receipt.

(3) Suppliers must have their presentation made before the division only by an authorized agent or representative whose name has been properly registered with the division, and who must carry a division identification card and number.

(4) In relationship to any of the above, no member or employee of the division shall accept or receive any gift of alcoholic liquor or wine or other things of value from any supplier doing business with the division or seeking to do business with the division, and that no employee or member of the division shall at any time give or sell any sample liquor, or liquor received for chemical analysis to any person.

**7.3(2) Reserved.**

This rule is intended to implement Iowa Code subsection 123.21(2).

**185—7.4(123) Infraction of rules.** Upon the infraction of any of the foregoing rules by any salesperson, agent, consultant, broker or representative, the division may cancel the credentials issued to such salesperson, agent, broker or representative and may remove that company's products from the sales list of the division after notice and hearing before the division hearing board. Decisions of the hearing board concerning such suspension or revocations shall be binding upon all parties.

This rule is intended to implement Iowa Code sections 123.4 and 123.19(4).

[Filed December 14, 1972]

[Filed 2/16/79, Notice 12/27/79—published 3/7/79, effective 4/16/79]

[Filed 8/15/80, Notice 5/28/80—published 9/3/80, effective 10/8/80]

[Filed emergency 5/19/82—published 6/9/82, effective 5/19/82]

[Filed emergency 10/10/85—published 11/6/85, effective 10/10/85]

[Filed 10/10/85, Notice 7/3/85—published 11/6/85, effective 12/11/85]

[Filed 2/27/86, Notice 11/6/85—published 3/26/86, effective 4/30/86]

[Editorially transferred from [150] to [185], IAC Supp. 10/8/86; see IAB 7/30/86]

[Filed 7/24/87, Notice 3/25/87—published 8/12/87, effective 9/16/87]

[Filed 4/26/91, Notice 3/20/91—published 5/15/91, effective 6/19/91]